

**REMARKS**

Claims 1-20 are pending in the present application. In the Office Action mailed February 6, 2006, the Examiner rejected Claims 1-2, 4, 6, 9, 11-14, 16, and 18-19 under 35 U.S.C. §102(b), rejected Claims 1-3, 5-8, 14-15 and 17 under 35 U.S.C. §103(a). Each rejection is discussed below.

**I. Rejection of Claims 1-2, 4, 6, 9, 11-14, 16, and 18-20 Under 35 U.S.C. §102(b)**

Claims 1-2, 4, 6, 9, 11-14, 16, and 18-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,203,345 (hereinafter, “the Kennedy patent”). In particular, the Examiner states, “Kennedy discloses in Fig. 1 a remote telemetry/system method comprising an implantable temperature sensing device (transmitter) implanted in vagina of a (dairy) cow (col. 3, line 27) to determine an estrus temperature of the cow, a signal receiver / receiving antenna and a digital computer, inherently, acting as a processor and a digital access device, each temperature device comprises an identification signal to indicate the cow identity and its temperature (col. 3, lines 8-10). This would imply that there is a means/device in the implanted transmitter or that used for identification or location. Also, the fact that Kennedy discloses the identification signal / code number would suggest that there is an identification device bearing / storing the identification code.” Office Action, page 2.

The Applicants respectfully disagrees. However, in order to expedite prosecution while not acquiescing to the Examiner’s arguments, the Applicants now amend Claims 1, 12 and 20 such that the term “animal identification device” is further described as being configured to present a detectable signal, wherein said detectable signal is selected from the group consisting of an auditory signal, a visual signal, and an auditory-visual signal. Support for this amendment is located in the Specification at, for example, page 17, line 31 through page 19, line 21. As the Kennedy patent does not describe such an animal identification device, and as such, the Kennedy patent does not anticipate Claims 1, 12 and 20.

**II. Rejections Under 35 U.S.C. §103(a)**

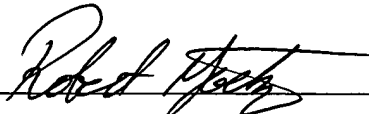
The Examiner rejects dependent Claims 5-8, 10, 14-15, and 17 under 35 U.S.C. §103(a). Claims 5-8, 10, 14-15, and 17 are dependent upon non-obvious and non-anticipated Claims 1 and 12. As discussed in Sections I of this Office Action Response, the Kennedy and Wallace patents fail to teach all of the required elements within Claims 1 and 12. The other cited references do not remedy this deficiency. As such, a *prima facie* case of obviousness has not been established. The Applicants request these rejections be withdrawn.

### **III. CONCLUSION**

All grounds of rejection of the Office Action of February 6, 2006, have been addressed and reconsideration of the application is respectfully requested. It is respectfully submitted that Applicant's claims should be passed into allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application Applicant encourages the Examiner to call the undersigned collect at (608) 218-6900.

Dated: \_\_\_\_\_

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